

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. CR18-315-RAJ
)	
Petitioner,)	
)	JOINT STATEMENT AND
v.)	STIPULATION OF THE PARTIES IN
)	ADVANCE OF THE EVIDENTIARY
GIZACHEW WONDIE,)	HEARING SCHEDULED FOR
)	JUNE 7, 2021
Respondent.)	

Gizachew Wondie, by and through his attorneys Mohammed Hamoudi and Sara Brin, and the United States, by and through its attorneys Erin H. Becker and James Oesterle, file this joint statement in advance of the June 7, 2021, hearing to address the defendant's motion to suppress his arrest, filed at Dkt. 190. The purpose of this statement is to advise the Court of agreements reached by the parties that narrow the factual issues in dispute and thus will limit the scope of the testimony presented on June 7, 2021.

First, the parties have separately decided that they will not call former Deputy George Alvarez as a witness for any purpose. Because Alvarez was the only witness who would have testified to observing cocaine in the defendant's possession prior to his arrest, the government will not cite this alleged possession as an independent basis for its argument that the defendant was lawfully arrested. The government will proceed with the facts and arguments previously advanced to advocate its position that defendant's December 6, 2018, arrest was lawful.

1 **Second**, the parties have entered into the attached factual stipulation reflecting
 2 facts the parties expect would be proved if law enforcement witnesses present during
 3 the events that led to defendant's December 6, 2018, arrest were to testify.

4 **Third**, given the decision not to call Deputy Alvarez, together with the attached
 5 stipulation, the parties anticipate that the only witnesses who will be called to testify by
 6 either party on June 7, 2021, are Homeland Security Investigations Special Agent
 7 Tammy Spencer and HSI Supervising Special Agent Marco Dkane. Both are expected
 8 to testify primarily on the topic of their parallel drug investigation of the defendant.
 9 However, to the extent that either witness has information bearing on the defendant's
 10 motion to suppress his statements, Dkt. 48,¹ or *Franks* hearing, Dkt. 273 (filed under
 11 seal), that testimony will also be taken on June 7, 2021, to avoid the need for either
 12 witness to appear twice.

13 **Fourth**, the parties have agreed to refer to separate individuals and groups with
 14 pseudonyms to protect their identities and/or the active homicide investigation. With
 15 respect to the individual arrested in October 2018, who provided information to HSI
 16 agents that led to their investigation of the defendant, the parties have agreed to refer to
 17 this individual as the "source of information" or "SOI." The person is more fully
 18 identified for the Court in documents filed under seal at Dkts. 219, 234. With respect to
 19 the group of individuals—occasionally described as a gang, and other times as a hip
 20 hop group—that was of interest to investigators as possibly being connected with the
 21 homicide, the parties have agreed to refer to this group as "Group A." The group's
 22 name can be found in documents filed under seal at Dkt. 197. And, with respect to an
 23 individual that the defendant asserts is the person actually depicted in a photograph that
 24 was included in the Decker warrant and identified by Decker as someone she believed

25 ¹ The defense has advised the government that it will be moving to withdraw its motion
 26 to suppress the defendant's statements taken in violation of *Miranda* (Dkt. 48). The
 motion to withdraw will be filed separately by defense counsel.

1 to be the defendant, the parties have agreed to refer to this person as “Individual 1.” The
2 person’s true name can be found in documents filed under seal at Dkt. 197, Ex. 25.

3 DATED this 2nd day of June 2021.

4 Respectfully submitted,

5 *s/ Mohammad Hamoudi*

6 *s/ Sara Brin*

7 Assistant Federal Public Defenders
8 Attorneys for Gizachew Wondie

9 *s/ Erin H. Becker*

10 *s/ Jim Oesterle*

11 Assistant United States Attorneys
12 By email authorization
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